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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.

Case No.: CR 11-0163 PSG

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

14 RONALD EGBERT,
15 Defendant.

Honorable Paul S. Grewal

16 _____/
17
18 Defendant Ronald Egbert and the government, through their respective counsel, hereby
19 stipulate that, subject to the Court's approval, the hearing in the above-captioned matter, presently
20 scheduled for Friday, October 14, 2011 at 2:30 p.m., be continued to Friday, December 2, 2011, at
21 2:30 p.m. Investigation by the defense into Mr. Egbert's current and prior medical and psychiatric
22 issues is ongoing. Mr. Egbert recently went on medical leave and is being referred to several
23 specialists for evaluation. The parties further agree that time should be excluded under the Speedy
24 Trial Act because the ends of justice served by granting the requested continuance outweigh the
25 interest of the public and the defendant in a speedy trial. The failure to grant the requested
26 continuance would deny defense counsel reasonable time necessary for effective preparation, taking

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1 into account the exercise of due diligence, and would result in a miscarriage of justice. The parties
 2 therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and
 3 (B)(iv).

4 Dated: 10/11/11

/s/
 LARA S. VINNARD
 Assistant Federal Public Defender

6 Dated: 10/11/11

/s/
 JEFF SCHENK
 Assistant U.S. Attorney

8
 9 **[PROPOSED] ORDER**

10 The parties have jointly requested a continuance of the hearing set for Friday, October 14,
 11 2011 at 2:30, to allow additional time for defense preparation and investigation. GOOD CAUSE
 12 APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for October 14, 2011,
 13 be continued to Friday, December 2, 2011, at 2:30 p.m.

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
 15 under the Speedy Trial Act from October 14 to December 2, 2011. The Court finds, based on the
 16 aforementioned reasons, that the ends of justice served by granting the requested continuance
 17 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
 18 requested continuance would deny defense counsel reasonable time necessary for effective
 19 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of
 20 justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.
 21 §§ 3161(h)(7)(A) and (B)(iv).

22 Dated: 3213314233


 PAUL S. GREWAL
 United States Magistrate Judge